

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 24, 2005
Tuesday, 9 43 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the May 17, 2005 meetings were approved 7 to 0.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 23, 2005.**

Lateral 1, Main 16 Four Mile Creek Sewer to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (468-83984/744121/480809) Does not affect existing traffic. (District II)

WB Carter Construction - \$144,000.00

Water distribution system to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (448-90067/735253/470924) Does not affect existing traffic. (District II)

Mies Construction - \$91,756.70

Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-90037/735240/470911) Does not affect existing traffic. (District II)

Padgett Excavation - \$34,490.00

Lateral 3, Main 4 Northwest Interceptor Sewer to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (468-83907/744120/480808) Does not affect existing traffic. (District V)

Duling Construction - \$172,492.00

Lateral 4, Main 4 Northwest Interceptor Sewer to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (468-83937/744100/480788) Does not affect existing traffic. (District V)

Duling Construction - \$92,484.00

Water distribution system, Phase 3 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89868/735249/470920); Water distribution system, Phase 4 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89869 /735250/470921); and: Water distribution system, Phase 5 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89870 /735251 /470922) Does not affect existing traffic. (District V)

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McCullough Excavation - \$35,850.00 (Total aggregate bid)

Lateral 10, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83690/744117/480805); Lateral 11, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83691/744118/480806) and Lateral 12, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition -north of 37th Street North, east of Tyler. (468-83692/744119/480807) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$139,890.00 (Total aggregate bid)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Box Rings, Lids and Risers.

Wichita Winwater Works - \$183,600.00 (Total Net Bid)

\$158,400.00* (Group 1 Alternate A/Base Bid)

\$ 9,300.000* (Group 1 Alternate B/Base Bid))

\$ 15,900.00* (Group 1 Alternate C/Base Bid)

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: White & Yellow Pavement Marking Paint.

Enis Paint Inc.* - \$31,328.00 (Group 1/Total net bid)

*Estimate – Contract approved on unit cost basis.

POLICE DEPARTMENT/PROPERTY & EVIDENCE ADDITION: Shelving for Property and Evidence Facility.

Records Retrieval Systems -\$51,982.37 (Group 1/Total Net Bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Sand, Gravel, Rock, Top Soil, and Fill Dirt.

Ritchie Sand Inc. - \$33,660.00*(Group 1/Total Base Bid)

\$ 9,000.00* (Group 2/Total Base Bid)

Tie bid - Awarded by coin toss

\$ 4,740.00* (Group 3/Total Base Bid)

Quik Sand Inc. - \$2,250.00* (Group 4/Total Base Bid)

Central Sand Company, Inc.* - \$113,960.00 (Group 5/Total Base Bid)

\$ 56,980.00 (Group 6/Total Base Bid)

Fremar LLC - \$31,200.00* (Group 7/Total Base Bid)

Central Sand Company, Inc.* - \$12,360.00 (Group 8/Total Base Bid)

Fremar LLC - \$24,000.00* (Group 9/Total Base Bid)

Central Sand Company Inc.* - \$6,600.00 (Group 10/Total Base Bid)

Fremar LLC - \$2,500.00*(Group 13/Total Base Bid)

\$1,000.00* (Group 14/Total Base Bid)

Frank N Bills Trucking - \$33,125.00* (Group 15/Total Base Bid)

Tie bid awarded by coin toss

Martin Marietta Aggregates - \$18,750.00* (Group 16/Total Base Bid)

Central Sand Company Inc. -\$12,000.00*(Group 17/Total Base Bid)

\$ 8,250.00* (Group 18/Total Base Bid)

Tie bid awarded by coin toss

\$ 4,390.00 * (Group 19/Total Base Bid)

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Fremar LLC - \$1,500.00 * (Group 20/Total Base Bid)

Tie bid Awarded by coin toss

Quik Sand Inc. - \$4,875.00* (Group 21/Total Base Bid)

Central Sand Company Inc. - \$3,625.00* (Group 22/Total Base Bid)

Tie bid - Awarded by coin toss

*Estimates – Contracts approved on unit cost basis.

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB'S

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Joseph T. Weber	Club Billiard	925 West Douglas
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<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Raju Singh Karki	Hazmar Inc.	8006 East 21st Street
Raju Singh Karki	Sohail Inc.	3520 North Woodland
Raju Singh Karki	Ajay Inc.	3810 North Woodlawn

Motion--carried

Mayans moved the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

a) Cost of Water Distribution System to serve Rivendale Addition (north of 55th Street South, west of Hydraulic) (District III) (448-89886/735228/470-898) – Total Estimated Cost \$50,000

b) Meridian from 31st Street South to Pawnee . (87N-0305-01/472-84175/706918/205384) Traffic maintained per traffic control plan. (District IV) - \$3,844,000

c) 2005 sanitary sewer reconstruction, Phase 5 - various locations between Maize & Oliver, and between 21st Street North & Pawnee. (468-84007/620432/665552) Traffic maintained during construction using flagpersons and barricades. (Districts I,III,IV,V,VI) - \$262,000

d) 2005 sanitary sewer rehabilitation, Phase C - (various locations between Ridge & Rock, and between 47th St. S. & 23rd St. N. (468-83976/620433/665553) Traffic maintained during construction using flagpersons and barricades. (District I, III, IV, V, VI) - \$248,000

e) Storm Water Drain #249 to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (468-83938/751389/485280) Does not affect existing traffic. (District V) - \$278,000

Motion--carried

Mayans moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

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PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENTS:

PRAIRIE POINTE

CONSTRUCT A STORM WATER DRAIN TO SERVE PRAIRIE POINTE AND HAMPTON SQUARE ADDITIONS, NORTH OF 37TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-0489

On May 4, 2004, the City Council approved a Petition to construct a storm water drain to serve Prairie Pointe Addition. The developer has submitted a new Petition to update the improvement district to reflect recent platting activity. The signatures on the new Petition represent 100% of the improvement district.

The project will serve new residential and commercial developments located north of 37th St. North, west of Maize.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-294

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 231, (north of 37th street north, west of Maize) 468-83810, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

POND PLAZA ADD.

PAVING AND DRAINAGE IMPROVEMENTS TO SERVE PRAIRIE POND PLAZA ADDITION, NORTH OF KELLOGG, EAST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0490

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and drainage improvements to a new commercial development located north of Kellogg, east of 143rd St. East.

The Petitions total \$474,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-295

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 267 (north of Kellogg, east of 143rd street east) 468-84014, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-296

Resolution of findings of advisability and Resolution authorizing constructing pavement on Kellogg drive from the east line of Prairie Pond Plaza Addition to the west line of Prairie Pond Plaza Addition (north of Kellogg, east of 143rd street east) 472-84169, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board, quarterly meeting, November 10, 2004
Board of Electrical Appeals, March 8, 2005
Housing Advisory Board, March 16, 2005
Wichita Employees Retirement System, March 16, 2005
Police and Fire Retirement System, March 23, 2005
District II Advisory Board, April 4, 2005
District VI Advisory Board, April 4, 2005
Wichita Public Library, April 19, 2005
District VI Advisory Board, April 20, 2005

Motion--carried

Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 05-0504

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

8TH Annual Wesley Senior 5K – May 25

§ Amidon from Sim Park Drive to Murdock (in front of Botanica)
6:00 – 7:30 p.m., Wednesday, May 25

Special Olympics Torch Run – June 3

§ 21st Street from Hillside to Yale
8:45 – 9:15 p.m., Friday, June 3

AMENDED - Big Dog Motorcycles – Tornado Rally – June 10, 11 & 12

One-block area including Big Dog Motorcycles at 1520 E. Douglas
6:30 p.m., Friday to Midnight, Sunday, June 10-12

§ Douglas from New York to west edge of Hydraulic (Hydraulic open)

§ New York from Douglas to First Street (First Street open)

§ Pennsylvania from Douglas to First Street

§ Douglas from New York to west edge of Hydraulic

§ Hydraulic from Douglas to First Street (First Street open)

Hydraulic open westbound Douglas traffic to turn south

§ New York from Douglas to First Street

§ Pennsylvania from Douglas to First Street

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Center for Health & Wellness – 2nd Annual SC KS State Masters BBQ Championship – June 10 & 11
Friday, June 10 from Noon-Midnight and Saturday, June 11 from Midnight to 5:00 p.m.

§ Maple Street from McLean to Sycamore (no intersections closed)

Inter-Faith Ministries 2nd Annual Block Party – June 16

§ Market Street from Murdock to 8th Street, Thursday, June 16, 4:00-7:00 p.m.

Police security is arranged to remove street barricades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

CLAIMS

REPORT ON CLAIMS ALLOWED APRIL, 2005:

<u>Name of Claimant</u>	<u>Amount</u>
Dickinson, Richard	\$673.00
Furman, Thomas	\$209.60
Kansas Gas Service	\$322.90**
Kansas Gas Service	\$385.02**
Kansas Gas Service	\$687.75**
Lane, Jennifer	\$1,000.00**
Nausler, Chris	\$943.32
Puetz, Virgil	\$184.41
Ream, Brad S.	\$172.65
Sanders, Julie	\$729.00**
Stahl, Bob	\$154.14
Tubbs, Gary L.	\$201.25
Westar Energy	\$1,002.02

** Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

CHANNEL 7 STUDIO CITY ARTS CHANNEL 7 STUDIO. (DISTRICT VI)

Agenda Report No. 05-0491

An existing classroom (room 304) within the City Arts facility located at 334 North Mead, Wichita, KS 67202 (Old Town) is to be converted into a TV videotaping studio containing two separate sets. One set will be for a two-person show and the other for a show with multiple guests. In addition to the studio with two sets, a new Logo for Channel 7 will be developed.

On April 16, 2005, Purchasing advertised Request for Proposal No. FP500027 for consultant services for the design, construction and graphic design for the studio and logo. Only one proposal was received from the firm of Schaefer Johnson Cox Frey Architecture.

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They propose to provide architectural, graphic design, interior design, and mechanical/electrical engineering services and other related items for a single stipulated lump sum fee of twenty three thousand five hundred dollars (\$23,500.00)

Since this is a "single source response" and the proposed fee is less than the approved budgeted amount a contract was negotiated without the Staff Screening and Selection Committee being convened.

The Project is authorized in the Interactive Video Capital Fund at \$125,000.00 (Project No. 435174, OCA #791459).

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

MAPLE SHADE ADD. DESIGN SERVICES AGREEMENT: MAPLE SHADE ADDITION, EAST OF WEBB, NORTH OF PAWNEE. (DISTRICT II)

Agenda Report No. 05-0492

The City Council approved the water distribution system, sanitary sewer and paving improvements in Maple Shade Addition on April 26, 2005.

The proposed Agreement between the City and Ruggles & Bohm, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Maple Shade Addition. Per Administrative Regulation 7a, staff recommends that Ruggles & Bohm be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Ruggles & Bohm will be on a lump sum basis of \$19,600, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SENIOR MANAGMNT EXPENSE FOR SENIOR MANAGEMENT REPORTS FOR MARCH AND APRIL 2005.

Motion--carried

Mayans moved that that report be received and filed. Motion carried 7 to 0.

PROPERTY ACQUISITIONS:

2351 S. GREENWOOD 2351 SOUTH GREENWOOD STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0493

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 6th residence of the 15 required residential acquisitions is a 746 square foot single-family residence at 2351 S. Greenwood Street, northwest corner of East Pawnee and South Greenwood. The property has two bedrooms, one bathroom and consists of a frame construction. The property is owner-occupied.

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The property was appraised at \$51,500 and was accepted by the owner. The owner will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$77,350 is requested. This includes \$51,500 for the acquisition, \$5,000 for demolition, \$19,850 for relocation and \$1,000 for title work and closing costs.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

2351 S. VICTORIA ST. 2351 SOUTH VICTORIA STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0494

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 5th residence of the 15 required residential acquisitions is a 727 square foot single-family residence at 2351 S. Victoria Street, northwest corner of East Pawnee and South Greenwood. The property has 2 bedrooms, 2 bathrooms and consists of frame construction. The property is owner-occupied.

The property was appraised at \$58,500 and was accepted by the owner. The owner will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$84,950 is requested. This includes \$58,500 for the acquisition, \$5,000 for demolition, \$20,450 for relocation and \$1,000 for title work and closing costs.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

53rd STREET NORTH PARTIAL ACQUISITION OF LAND AND EASEMENTS FOR THE NORTH AREA SEWER SANITARY LINE NEAR MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0495

On October 21, 2003, the City Council approved the construction, extension of a vacuum sanitary sewer line and pump lift station to provide service to newly developing areas in north Wichita. This project requires the acquisition of utility easements on 10 tracts of land for permanent easements and a lift pump station, utility easements to the facility and temporary construction easements on property owned by multiple landowners.

The second of the ten tracts we are seeking to acquire an utility easement from consists of a total of 27.68 acres. The 50 foot permanent utility easement presented today encompasses a strip of land along the north property line, which is equivalent to approximately 57,316 square feet. The temporary construction easement will impact 45,853 square feet only during construction. The property owner has agreed to provide the necessary easements to the City for \$4,800. An additional \$5,275 is for the two cost-to-cure items 1) resetting the 14 trees; and 2) compensation for redesigning the preliminary residential development plat to accommodate the 50 foot wide take. The land itself is for \$4,800 which equates to \$.08 per square foot for the permanent easement.

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A budget of \$10,575 is requested. This includes \$10,075 for the acquisition and \$500 for title work, closing costs, etc. The funding source is the sewer utility.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 05-0496

On May 2, 2005 the Board of Code Standards (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 1223 North Ohio	I
b. 1735 North Erie	I
c. 1449 South Waco (rear)	III
d. 1820 South Ellis	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on July 12, 2005 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-290

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 65 and 67, on Ohio Avenue, H.O. Burleigh's Third Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1223 North Ohio may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-291

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 73 and 75, and the south half of Lot 77, on Erie Avenue, Woodridge Place Addition to Wichita, Kansas, Sedgwick County Kansas, known as 1735 North Erie may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-292

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south half of lot 38, and all of lot 40, on Waco Avenue, Fitzgerald's 2nd Addition to Wichita, Kansas, Sedgwick County Kansas. Known as 1449 South Waco (rear) may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-293

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 76 and 78, on Ellis Avenue, Strong's Addition to Wichita, Kansas, Sedgwick County Kansas. Known as 1820 South Ellis may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

GRANT APPLIC.

GRANT APPLICATION, HOMELESS ASSISTANCE PROGRAMS.

Agenda Report No. 05-0497

On March 21, 2005, the Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the 2005 Continuum of Care Homeless Assistance Programs. The NOFA makes funds available for a variety of homeless programs including Permanent Supportive Housing, Transitional Housing, Shelter Plus Care, and the Homeless Management Information System, which is used to track the progress of homeless individuals moving through the Continuum of Care.

The Community Council on Homeless Advocacy (CCHA) has been working with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area for the following projects:

Transitional Housing. ComCare is seeking funding to renew their Transitional Housing Project for persons with mental illness and substance abuse disorders. The funding will allow staff to provide supportive services and provide operational funds for the units. Wichita Children's Home is also requesting funds to continue the Bridges Transitional Living Program. Funds will provide case management and counseling for the clients and maintenance, utilities and insurance for the upkeep of the transitional units. United Methodist Urban Ministries is requesting the continuance of their transitional housing program that assists individuals, families and women and their children who are survivors of domestic violence. Clients will receive advocacy and other supportive services that will assist them to focus on moving towards permanent housing without violence.

Supportive Housing. Inter-Faith Ministries of Wichita, Inc. is seeking funding to continue the Ti'Wiconi Safe Haven Transitional Housing for the Severely Mentally Ill and Chronically Homeless persons. Funding will provide supportive services and operational costs to assist chronically homeless individuals to become self-sufficient and move into permanent housing.

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Permanent Housing. Inter-Faith Ministries of Wichita, Inc. is applying for the continuation of supportive services and operating costs for Villa North. These funds will allow Inter-Faith to continue to provide case management, on-call services and life skills assistance to assist nineteen formerly homeless persons continue to be self-sufficient. Inter-Faith Ministries is also requesting funds to begin operating Villa Suites, which will provide permanent housing for persons with disabilities. Funds will be utilized for the operation of the facility to assist twenty chronically homeless persons. United Methodist Urban Ministry of Wichita is requesting funds to begin a permanent housing program for the chronically homeless. This program would provide supportive services and housing for the chronically homeless who are ready to take the step towards permanent housing.

Shelter Plus Care. The City of Wichita Housing Authority has prepared an application for a one-year renewal of the Shelter Plus Care (S+C) program to fund 102 housing units. This program is designed to provide housing and supportive services for homeless persons with disabilities (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or HIV/AIDS related diseases) and their families, who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. It is a tenant-based rental assistance program that provides a range of supportive services funded by other local sources in response to the needs of the hard-to-reach homeless population with disabilities. Shelter Plus Care funding must be matched by an equal amount in supportive services.

The United Way and the CCHA have worked together to implement the community proposal ranking process, which will be included in the final application, which the United Way will submit to HUD on behalf of local proposers, by the June 10, 2005 deadline. Funding for the projects will come directly from HUD, with grant agreements to be executed between HUD and the project sponsors. With the exception of the Shelter Plus Care application, which is sponsored by the Wichita Housing Authority, HUD will have all fiscal responsibility for implementation and oversight of all other projects.

Funding being requested for the 2005 Continuum of Care projects is as follows:

Project Name	Amount	Agency
Transitional Housing Project	\$828,592	ComCare of Sedgwick County
Safe Haven Renewal	\$414,595	Inter-Faith Ministries
Villa North Renewal	\$169,260	Inter-Faith Ministries
Bridges Transitional Living Program	\$303,658	Wichita Children's Home
Villa Suites (New)	\$158,175	Inter-Faith Ministries
Transitional Housing – Leased	\$253,132	United Methodist Urban Ministries
Transitional Housing – Purchase	\$168,714	United Methodist Urban Ministries
Permanent Housing for Chronically Homeless (New)	\$158,175	United Methodist Urban Ministries
Shelter Plus Care (Housing Vouchers)	\$704,712	City of Wichita Housing Authority

The Department of Housing and Urban Development has announced a preliminary “pro-rata” need for the City of Wichita and Sedgwick County in the amount of \$1,045,500. All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application does not obligate City of Wichita funding.

Motion--

Mayans moved that the submission of Shelter Plus Care Grant application be approved; the Mayor authorized to sign the requisite application and subsequent contract award documents; a letter of support for the Continuum of Care Application be provided and signatures for the Consistency with the Consolidated Plan forms required for all projects (HUD Form 2991) be authorized. Motion carried 7 to 0.

--carried

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CENTRAL& ROCK AMENDING ORDINANCE: CENTRAL AND ROCK INTERSECTION IMPROVEMENT. (DISTRICT II)

Agenda Report No. 05-0498

The City of Wichita and the State of Kansas have an ongoing program to match City funds with Federal Transportation Grants to improve arterial streets, bridges, and bike paths. Upon completion of a project the Kansas Department of Transportation audits the actual project costs and makes a final determination on the match that it will provide. In some cases, if the anticipated match is reduced, additional local funds will be needed. This is the case with the improvement to the intersection of Central and Rock.

An amending Ordinance has been prepared to authorize the budget increase.

The proposed local funding increase is \$15,000. Funding is available from lower than expected expenditures for improvements to the 13th-Hydraulic Intersection and Central, between Maize and Tyler. The funding source is General Obligation Bonds.

Motion--carried Mayans moved that the Amending Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 45-006 of the City of Wichita, Kansas declaring the intersection of Central Avenue and Rock Road (472-83393) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

LANDSCAPE/SECUR. ADDITION TO CITY HALL LANDSCAPE AND SECURITY ENHANCEMENTS TO RELOCATE EMERGENCY GENERATOR. (DISTRICT VI)

Agenda Report No. 05-0499

In September 2003, Council approved a contract with Schaefer Johnson Cox Frey Architecture (SJCF) to provide services related to enhancing security and landscaping features to the exterior of City Hall and the auto service tunnel. Later, the scope of work required to complete the project and enhance security grew to include parking lot modifications and a redesign of the atrium located between the parking garage and the west side of City Hall. On September 21, 2004, Council authorized an expanded project with a total budget of \$3,031,000.

The emergency power generator for City Hall is located in a basement room on the south side of the vehicle tunnel. On March 6, a planned test of the emergency power generation equipment was conducted with what could have been potentially disastrous results. Equipment failed which caused diesel fuel to be pumped across electrical components and created a spill that was controlled through the quick action of staff that was conducting the test. If this had occurred when the generators were fired automatically due to a power failure, and if staff had not been present, we can only imagine what would have happened.

Building codes today are much more strict than what they were when City Hall was designed and constructed in the 1970's, and the City's need for emergency power has grown significantly since then also. Having reliable emergency electrical power is critical to the operation of City Hall for public safety and to protect the City's investment in computers, servers, electronic information storage and other IT/IS functions.

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Temporary provisions have been made to allow the existing emergency generators to remain on line and be available for emergency power if needed. However, significant investment will be required to update the existing equipment to meet current building codes. In addition, there is concern with having the emergency power generators located below the Council Chambers with the potential for fire and the health issue of exhaust fumes entering the building when the generators are run. Therefore it has been recommended that the existing 30 year old emergency power generation equipment be replaced with new equipment and relocated to an exterior location that will provide greater safety for City Hall.

It is appropriate that work on this equipment replacement and relocation move forward as quickly as possible for the protection of City Hall, and it is also appropriate that it be accomplished as a part of the current City Hall Landscape and Security Enhancement project. This will save time and will keep all of the work consolidated within one consultant contract for greater economy and efficiency. It will also require an addendum to the SJCF contract for \$16,000 to include this work in their design. Emergency power generation will be maintained throughout the entire project to assure that City Hall is fully protected at all times.

The estimated total cost for removing the existing emergency power generation equipment and replacing it with new modern equipment in a visually screened exterior location, including professional fees, is \$350,000.

The cost of this project was not anticipated and is not budgeted. Because of the amount involved, it cannot be absorbed within the Building Services budget. This is not a recurring cost; it is a one-time cost. It is recommended that the cost be paid from General Fund appropriated reserves.

The Law Department will approve the addendum to the SJCF contract as to form.

Motion--
--carried

Mayans moved that the addition to the project and the necessary signatures to amend the architect's contract be authorized and the budget adjustments approved as needed. Motion carried 7 to 0.

CLAIM PAYMENT

PAYMENT OF SETTLEMENT OF CLAIMS.

Agenda Report 05-0502

In July of 2003, a bus and car accident occurred, causing two plaintiff passengers physical injury in varying degrees.

This matter was presented to the City on acknowledged facts, and the contingent value of plaintiffs' injuries were analyzed and negotiated. Given the expense of litigation and the potential risk at trial, City staff recommends acceptance of the terms agreed upon which the parties.

Funding for this settlement is from the transit operating fund.

The Law Department recommends acceptance of the negotiated resolution.

Motion--
--carried

Mayans moved that the negotiated agreement be ratified and the payment of \$250,000.00 as a full settlement of the claims presented by both plaintiff passengers be authorized. Motion carried 7 to 0.

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JUDGMENT

PAYMENT OF JUDGMENT.

Agenda Report No. 05-0503

In December of 2004 the City Council approved an interim settlement agreement in the ADA litigation that asked the court to determine the reasonable level of attorney fees and litigation expenses to be paid under federal statute. The court held two separate contested hearings for this determination, with the above figure as the result.

The standard of review that would be utilized by the appellate courts is such that the fees and expenses assessed would not be overturned, and substantial additional fees would be incurred and become the responsibility of the City if the matter were further contested.

Funding for this judgment is from the tort claims fund.

The Law Department recommends acquiescence in and payment of the judgment.

Motion--
--carried

Mayans moved that the payment of the judgment in the sum of \$79,689.67 be approved.
Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 17, 2005)

- a) Sharpline Converting, Inc. - Tax Exemption Request. (District V)

ORDINANCE NO. 46-599

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Sharpline Converting, Inc. so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

- b) A 03-11 - generally located north of 27th Street North and east and west of N. Maize Road, to the City of Wichita, Kansas. (District V)

ORDINANCE NO. 46-600

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (A03-11)

- c) A05-08R - generally located northwest of the intersection of 29th Street North and Maize Road. (District V)

ORDINANCE NO. 46-601

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (A05-08R)

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- d) DR2003-016: Amendments to the Wichita-Sedgwick County Comprehensive Plan

ORDINANCE NO. 46-602

An Ordinance approving certain amendments to the 1995 Wichita Sedgwick County Comprehensive Plan. (DR-2003-016)

- e) ZON2004-66 - east of Meridian and south of 37th Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (District III)

ORDINANCE NO. 46-603

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (ZON 2004-66)

PLANNING AGENDA

Motion--carried Mayans moved that the Planning Consent Items be approved as presented. Motion carried 7 to 0.

SHADY RIDGE ADD. TERMINATION OF RESTRICTIVE COVENANT FOR SHADY RIDGE ADDITION, LOCATED SOUTH OF CENTRAL AND WEST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 05-0500

Staff Recommendation: Approve the Termination of Restrictive Covenant.
MAPC Recommendation: N/A

On June 8, 2004, the City Council approved the plat of Shady Ridge Addition and associated documents. A Restrictive Covenant was provided outlining restrictions regarding a platted street.

The plat of Shady Ridge Addition has been replatted and the street has been eliminated; therefore, a Termination of Restrictive Covenant has been submitted.

The Termination of Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried Mayans moved that the Termination of Restrictive Covenant be approved and the necessary signatures authorized. Motion carried 7 to 0.

A05-09 A05-09R-REQUEST BY SMITH & COMPANY TO ANNEX LANDS GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF MAPLE STREET AND 162ND STREET. (DISTRICT V)

Agenda Report No. 05-0501

The City has received a request to annex 2.67 acres of land generally located southwest of the intersection of Maple Street and 162nd Street. The annexation area abuts the City of Wichita to the southeast of the proposed property. The property owner proposes to develop the site for single-family (SF-5) use.

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Analysis:

Land Use and Zoning: The proposed annexation consists of 2.67 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the property will be converted to "SF-5," Single-Family Residential.

Property to the southwest of the subject property is zoned "SF-5" Single-Family Residential, while property to the north, east, south, and west of the subject property is zoned "SF-20" Single-Family Residential.

Public Services:

Water is being designed for installation later this year that will run along the east and south lot lines of the subject property. Currently the nearest Wichita water is located at Maple & Wind Rows Lake Dr. The nearest sewer is currently 2,000 feet away in the Reece Farms Estates Addition, but an extension is planned for the new USD 265 elementary school that will bring this sewer line much closer.

Street System: The subject property borders 162nd Street, which is a gravel two-lane residential road that connects to Maple Street--a paved, two-lane, arterial road.

The City of Wichita Capital Improvement Program (CIP) 2004-2013 has scheduled Maple Street to be resurfaced and widened, from 135th Street to 167th Street, which runs north of the subject property. In addition, improvements have also been scheduled for 151st Street (east of the subject property) and 167th Street (west of the subject property) from Kellogg to Maple Street. The Sedgwick County Capital Improvement Program 2005-2009 and the 2004 Transportation Improvement Program do not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within an eight (8) to nine (9) minute approximate response time from City Station No. 17, located at 10651 W. Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The Auburn Hills Golf Course, a 158-acre, 18-hole championship golf course, is located approximately 2 miles to the east of the proposed annexation site. In addition, Meadows Parks (51.38 acres) and West Millbrook Park (25.6 acres) are approximately 3 miles to the east from the subject property. According to the 1996 Parks and Open Space Master Plan, the proposed annexation site is directly within a site that has been identified as a potential future park site. In addition, a greenway has been proposed that would run along Maple Street, directly north of the subject property.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$42,850 with a total assessed value of \$4,927. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$155 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner is seeking approval of a plat to subdivide the property, of which has an existing residential unit. It is anticipated that an additional residential unit will be constructed, but the value of these improvements has not been determined at this time.

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The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A05-09)

OFF AGENDA ITEM:

Mayor Mayans

Mayor Mayans stated that it has been brought to his attention that there are concerns from some of the Council Members about the diverse agenda items that are being placed on the Consent Meeting Agendas. Stated that the original intent was so that the developers and The Wichita Area Builder's Association (WABA) could proceed and move forward with their projects. Stated that this agenda has become more diverse and he has been asked to bring this up for discussion. Stated that the Council has the prerogative to pull any item off the agenda and discuss it at a later time. Stated that he would rather have a more equal and balanced agenda instead of having all of the Consent Items placed on the agenda for the Regular Meetings.

Council Member Gray

Council Member Gray stated that staff is getting away from the original intent of the consent agenda and that maybe the Council needs to discuss this with staff and make sure that they watch more carefully what they submit. Stated that he does not have a problem with it remaining like it is as.

Council Member Schlapp

Council Member Schlapp stated that she is the one that has brought this to the attention of the Mayor and City Manager and that we originally agreed to allow items from the developers. Stated that if we have an item on the Consent Agenda and it is to be pulled off, she feels that there should not be any discussion among the Council Members and that it should be automatically deferred to the next Council Meeting, which is a recorded area. Stated that we are veering off from our duty to the public.

Council Member Fearey

Council Member Fearey stated that now that we have our new Public Information Officer on board, maybe we should look into having the workshops televised on Channel 7. Stated that she has heard from several people in her district that would like to watch what goes on during the budget and CIP process but that they are not able to take off work to come down to City Hall to do so. Suggested that if we cannot televise the actual workshops to possibly televise the power point presentations.

Council Member Martz

Council Member Martz stated that when we pull an item off of the agenda we do not go into discussions. Stated that the item automatically goes on the next regular City Council Agenda.

The consensus of the Council Members was that any consent/workshop agenda item that is pulled off of the agenda, that there be no discussion and to be placed automatically on the next regular City Council Agenda.

Motion--carried

Mayans moved at 9:50 a.m. to adjourn the meeting. Motion carried 7 to 0.

Adjournment

The meeting adjourned at 9:50 a.m.

Respectfully submitted,

Karen Sublett
City Clerk

***Workshop followed in the First Floor Board Room**

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